

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ANTWONE FLEMING,

Plaintiff(s),

vs.

JOHN PIRO,

Defendant(s).

Case No. 2:16-cv-00753-KJD-NJK

**ORDER DENYING APPLICATION
TO PROCEED *IN FORMA PAUPERIS***

(Docket No. 1)

Pending before the Court is Plaintiff's application to proceed in this action *in forma pauperis*. Docket No. 1. Plaintiff is currently incarcerated in the Clark County Detention Center. *Id.* at 1. Prisoners seeking to proceed in a case *in forma pauperis* must submit an affidavit including a statement of all assets he possesses, as well as "a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint . . ., obtained from the appropriate official of each prison at which the prisoner is or was confined." 28 U.S.C. § 1915(a)(2).

In this instance, Plaintiff's application omits a certified copy of his trust fund account statement. Therefore, his application to proceed *in forma pauperis* is deficient.


Further, Plaintiff has not filed a Complaint. Instead, he has only attached a civil cover sheet to his *in forma pauperis* application. Docket No. 1-1. Failure to file a proper complaint may result in dismissal of this case. *Ferdik v. Bonzelet*, 963 F.2d 1258, 1261 (9th Cir. 1992).

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Based on the foregoing, **IT IS ORDERED** that:

1. Plaintiff's application to proceed *in forma pauperis* is hereby **DENIED** without prejudice.
2. Plaintiff shall file a Complaint and a renewed application to proceed *in forma pauperis*, accompanied by a signed financial certificate and a certified statement from his inmate trust account for the previous six months.
3. The Clerk of the Court shall send Plaintiff a blank *in forma pauperis* application form for *pro se* litigants who are incarcerated.
4. In the alternative, Plaintiff shall make the necessary arrangements to pay the filing fee of \$400, accompanied by a copy of this Order.
5. Plaintiff shall have until April 29, 2016, to comply.
6. Failure to comply will result in a recommendation to the district judge for dismissal of this action.

Dated: April 15, 2016



NANCY J. KOPPE
UNITED STATES MAGISTRATE JUDGE